

201507102
Chris Aybar

After a summer block party had concluded in a park in the Bronx, the crowd spilled into a nearby residential street. Officers arrived with instructions to clear the area. As the officers did so, one officer was allegedly assaulted by a civilian, who then entered a residential building. The officers put out a 10-85 (call for assistance) and a large number of officers arrived. A group of these officers, including PO Chris Aybar, entered the building after the civilian. When the officers reached the upper hallway where the person had gone, they opened the door, and according to three civilian witnesses, pulled the person they believed had assaulted an officer out of the doorway by the hair and then tackled the person. These officers were never identified.

PO Aybar had entered the building but had not gone upstairs, and eventually issued two summonses. PO Aybar's testimony regarding the incident was dramatically inconsistent. At one point, she stated that both of the people she issued summonses to were blocking a door and failed to move, then later said that neither had been blocking a door. She stated that she spent the whole time with her partner, then stated they had been separated early in the encounter. While she transported a number of people to the precinct, she stated that none had been injured and none had complained, but video showed that at least one person had been noticeably bleeding before being arrested. She issued two summonses during the incident but failed to articulate a reason for giving them that was not contradicted elsewhere.

The CCRB substantiated an allegation that PO Aybar had issued a retaliator summons, and found that she had made false statements in her CCRB interview.

The NYPD disciplined PO Aybar by giving her a Command Discipline A. She still works in the 42nd Precinct.

Interview Details

On August 26, 2015, [REDACTED] was interviewed at the CCRB.

On August 22, 2015, the neighborhood had their annual Children's Day party [REDACTED] This is set up every year by the residents of [REDACTED] and there is a large barbecue where several hundred people hang out, eat food, and the children can ride rented horses and play on a bouncehouse. Every year the park closes at 10:00 p.m. and the police come to make sure everyone leaves safely. This year went as normal – [REDACTED] attended the barbecue with his mother [REDACTED] his girlfriend [REDACTED] his brother [REDACTED] his stepbrother and stepfather [REDACTED] and [REDACTED] girlfriend [REDACTED] [REDACTED] sister [REDACTED] and some other neighborhood friends that [REDACTED] knows only as [REDACTED] and [REDACTED] [REDACTED] had drank "a few beers" but by the end of the party the effects had all worn off and he was not intoxicated. At 10:00 p.m. or so the police came to shut the party down and [REDACTED] and his extended family went home.

It was shortly after 11:00 p.m. when [REDACTED] was inside his home at [REDACTED] with all the above-named people. [REDACTED] heard a commotion outside and went to the window, where he observed from a distance of three stories an NYPD paddy wagon pulling up, and about 25 civilians standing outside. [REDACTED] did not know what had happened, but believed there might have been a fight. [REDACTED] did not see or hear any indications of a fight. The paddy wagon opened up and disgorged 10-15 officers, mostly in uniform, but also one (PO1) in plainclothes. Four or five uniformed officers immediately began discharging mace at the crowd, who shouted and ran inside [REDACTED] [REDACTED] did not know why they fired the mace and did not know if any crime had occurred. [REDACTED] could not identify or describe the officers who fired mace or the civilians who were struck, but stated the officers were all uniformed males and the civilians were "neighborhood people." [REDACTED] got back from the window.

Five minutes later, there was a loud pounding on the door. [REDACTED] and [REDACTED] walked together down the narrow hallway, while [REDACTED] and [REDACTED] observed what happened. [REDACTED] opened the door without asking who it was, and saw that PO1 was standing in the hallway with 10-15 uniformed male officers behind him. Without giving any order or explanation, PO1 shouted, "Come here, bitch," and then PO1 reached his left arm out and seized [REDACTED] by the hair on top of her head. PO1 pulled her forward through the threshold of the door by her hair, and the uniformed officers laid hands on her and forced her down face-first to the ground. PO1 then reached out through the door and seized [REDACTED] by the hair and treated her the same – pulling her head-first through the door and throwing her face-first onto the ground. [REDACTED] observed this occur from a distance of six-to-eight feet.

[REDACTED] shouted, "Why did you do that, what are you guys doing." [REDACTED] walked forward, with [REDACTED] immediately behind him, and entered the hallway where [REDACTED] and [REDACTED] were being handcuffed. Numerous officers that [REDACTED] could not describe seized him by the back of his shirt and threw him forward, forcing him down to the ground. [REDACTED] did not resist, fight back, kick, or punch in any way, as he was so shocked by the amount of force. Details of this were blurry because [REDACTED] was upset and everything happened so fast. While on the ground and uncuffed, numerous officers punched and kicked [REDACTED] to his left side, legs, and shoulder, but [REDACTED] could not see them.

[REDACTED] did see one that he recognizes as having gratuitously punched him – at one point, [REDACTED] looked up and said, "Y'all don't hit that hard." At this point, PO2 then punched him twice on his right eye with a closed fist. PO2 was the only officer that [REDACTED] could describe, and was the officer who punched him hardest. After PO2 punched [REDACTED] [REDACTED] asked him to give his name and shield so he could file a complaint. PO2 replied, "Shut the fuck up." [REDACTED] was then handcuffed and stood to his feet; he looked behind him and saw that [REDACTED] was also in handcuffs and being stood up. All the officers involved were uniformed males, unknown race, unknown further description. PO1 never hit or struck [REDACTED] Numerous officers said "Shut the fuck up" but [REDACTED] could not describe them. [REDACTED] also briefly saw unknown uniformed officers hitting [REDACTED] on an unknown part of his body while on the ground, and saying, "Shut the fuck up, it's supposed to hurt."

The officers never explained why they were taken out. [REDACTED] again denied that they fought back or defended themselves from the officers, stating that "There wasn't even a chance to fight back, it all happened in like three seconds." Nobody else in the house was taken out, but everyone else witnessed closely what happened to them. [REDACTED] [REDACTED] [REDACTED] and [REDACTED] were walked down the three flights of stairs back out to the courtyard, where they were placed in the

Interview Details

NYPD paddy wagon. An unknown male officer drove the paddy wagon, and that was the last that [REDACTED] saw of PO1, PO2, and the original responding officers.

At the stationhouse, [REDACTED] [REDACTED] [REDACTED] and [REDACTED] were held for around two hours after which they were released with summonses for disorderly conduct, failure to disperse, and sent home. [REDACTED] never saw PO1 again; [REDACTED] asked a female uniformed cell attendant for the names of the officers who arrested them, but she responded, "I have no idea what happened, I'm just the transporter."

[REDACTED] provided some photographs of his injuries, including a bloody eyeball, a cut to the right leg, what appears to be abraded skin on his left rib cage, and various other bruises that [REDACTED] alleged were caused by being tossed to the ground and kicked and punched. The bloody eyeball is a result of PO2 punching him twice to the face. [REDACTED] and [REDACTED] went to the hospital that day of the interview (August 26, 2015) but [REDACTED] did not go to the hospital in regards to the injuries

[REDACTED] provided two videos of the scene outside of [REDACTED] before they were lodged in the paddy wagon, taken by a neighborhood friend whose name [REDACTED] does not know. The video depicts PO1 in a grey shirt standing behind [REDACTED] whose lip is bleeding. The sound of a taser discharge is heard in the final seconds of the video. The scene is extremely chaotic, with numerous civilians screaming and [REDACTED] repeating, "He fucking hit me, he hit me."

PO1 – Plainclothes Hispanic male, 30s, Yankees hat on backwards, grey shirt, unknown height, unknown other characteristics

PO2 – Uniformed Hispanic male, 30s, glasses, no further

Other officers were all uniformed males, unknown age, unknown race, unknown other descriptions

Interview Details

On August 26, 2015, [REDACTED] was interviewed by the CCRB.

On August 22, 2015, there was a block party in [REDACTED] for the neighborhood residents which [REDACTED] attended with her sister [REDACTED] her boyfriend [REDACTED] her boyfriend's brother and his girlfriend [REDACTED] and [REDACTED] and the [REDACTED] mother [REDACTED]. There was no incident that occurred at the block party and police did not come, and when it was over the whole group left to go back and hang out at [REDACTED] apartment at [REDACTED]. Nothing occurred at the party to warrant a police response, and the police did not come while [REDACTED] was there. No member of the party committed any crime to [REDACTED] knowledge.

Around 1:00 or 2:00 a.m. on August 23, 2015, [REDACTED] heard commotion outside the window, and she went to look out. There were dozens of officers, seemingly the "whole precinct" with dozens of officers trying to shut down the party which had migrated from the park to [REDACTED]. About twenty uniformed officers that [REDACTED] could not describe began to fire mace into the crowd, which caused an uproar. While [REDACTED] observed what was going on, a uniformed male officer fired a jet of mace upwards three stories that landed directly in [REDACTED] mouth. [REDACTED] reacted by moving backwards quickly away from the window. [REDACTED] could not describe the officer who fired mace into her mouth because it happened so quickly; she did not do anything to warrant the macing other than just looking, and she was certain that the officer discharged the mace at her on purpose.

Five minutes later, there occurred a knock on the door of the apartment. [REDACTED] and [REDACTED] went to the door, and without asking who it was or receiving any orders, [REDACTED] opened the door. [REDACTED] immediately observed PO1 at the door, with approximately 10 uniformed male officers behind him. PO1 pointed at [REDACTED] and said, "We want this motherfucker." [REDACTED] replied, "Don't hurt my son!" PO1 then "snatched" [REDACTED] by the hair atop her head, pulling her through the door head-first. The other uniformed officers pushed [REDACTED] to the ground, after which PO1 grabbed [REDACTED] by the hair on top of her head as well, causing pain. PO1 pulled [REDACTED] by her hair into the hallway and pushed her down face-first onto the hallway floor, where [REDACTED] was immediately handcuffed. No officer punched, kicked, or struck [REDACTED]. The officers never identified themselves as police, and never explained why they were being arrested. Numerous officers said "Shut the fuck up" over the course of the incident but [REDACTED] could not identify them all.

[REDACTED] could not see behind her, but could hear [REDACTED] and [REDACTED] calling for their mother. [REDACTED] said, "They're hurting me" and officers continuously told her to "Shut the fuck up" and pulled on her hair more. [REDACTED] heard the sounds of punches and blows landing on [REDACTED] and [REDACTED] though she did not see this. The officers punched [REDACTED] and said "Shut the fuck up or we'll make you shut up," though [REDACTED] did not see this. As the officers stood [REDACTED] to her feet, she looked behind her and saw [REDACTED] on the ground, not resisting, with numerous officers holding him down. PO2, who [REDACTED] identified as being the officer in eyeglasses, knelt down and said, "Am I pussy?" and then struck [REDACTED] in his right eye with a closed fist. Neither [REDACTED] nor [REDACTED] were resisting or fighting. The apartment door was open so everyone inside could see what was going on, though the officers closed it as they stood the civilians up.

The officers walked the civilians downstairs, [REDACTED] followed by [REDACTED] followed by [REDACTED] and then [REDACTED]. While walking down the stairs, [REDACTED] stumbled, and a uniformed officer pulled her up by her hair. In the lobby, [REDACTED] observed the police were pushing numerous civilians towards wall. However, [REDACTED] had her head down and her hair in her face, so she did not really see what was going on. The defendants were placed into a police van, driven by an unknown male officer. [REDACTED] asked why they were being arrested, and the officers responded "We don't know. We're just transporters."

The defendants were all transported to the 42nd Precinct stationhouse, where they were released with summonses for disorderly conduct around 4:00 a.m. and allowed to leave. [REDACTED] did not hear any officer called [REDACTED] a "bitch" and was not sure if [REDACTED] ever asked for any officers name or shield. [REDACTED] had bruises on her arm from being held down on the ground tightly, but did not seek medical care.

PO1 – Plainclothes white male, 30s, 5'7 or 5'8, grey shirt

PO2 – Uniformed white or Hispanic male, 40s, black gloves, glasses

Interview Details

On August 26, 2015, [REDACTED] was interviewed at the CCRB.

Earlier on August 22, 2015, there was a block party in [REDACTED] for the residents of [REDACTED]. [REDACTED] had attended the block party, but had gone home by the time it ended. There was no police interaction during the block party, and no crimes committed as far as [REDACTED] was aware. Sometime after midnight, [REDACTED] was inside [REDACTED] with her family and was getting ready to go to sleep. [REDACTED] had no shoes on and was wearing shorts and a blouse.

[REDACTED] heard a loud bang on the door, and she went to open it. [REDACTED] thought it was probably kids from the neighborhood because her sons have a lot of friends, so she did not think to ask who it was. No one behind the door gave any orders or identified themselves. [REDACTED] opened the door and observed PO1 surrounded by numerous plainclothes and uniformed officers in the hallway. PO1 immediately grabbed [REDACTED] by the hair at the very top of her head, causing pain and alarm, and pulled her forward into the hallway. PO1 forced [REDACTED] to the ground face-first by her hair, and all the officers got on top of her and handcuffed her. [REDACTED] was not resisting, and was in total shock about what was happening.

There was "just so much commotion" for [REDACTED] to clearly describe what was going on. [REDACTED] was immediately thrown to the floor and the officers held her face down to the ground with their feet on her back, so she could not really see what was going on in the hallway. [REDACTED] was handcuffed and could not move. [REDACTED] heard [REDACTED] and [REDACTED] shout, "Don't treat my mother that way. That's my mom." [REDACTED] could not see anything, but could hear that officers were "hitting" [REDACTED] and [REDACTED] and had taken them to the ground.

When the officers let her up, [REDACTED] saw that [REDACTED] had the same done to her, and was on the ground in handcuffs. [REDACTED] told the officers, "Let me put my blouse down, I don't want to go to the street like that," but they just roughly hurried her down the stairs. [REDACTED] could not see officers hitting or striking anyone because she could not see anything. [REDACTED] did not hear any civilian ask an officer for his name or shield; she stated she would not recognize any officers if she was shown an array.

Officers did not explain why they were being arrested, and [REDACTED] said "They did not even talk to us." [REDACTED] said it was like being kidnapped - they were just grabbed and thrown down and handcuffed; it happened quickly, and officers never said what they were doing. [REDACTED] was taken to the stationhouse along with the rest of her family, and could not describe anything that occurred along the way. [REDACTED] provided the summons given to her and to [REDACTED] indicating they were charged with disorderly conduct, failure to disperse.

PO1 – Plainclothes light-skinned male, unknown age, unknown details

[REDACTED] stated she could not describe him because she barely got a chance to see him. [REDACTED] said to ask her children for a better description.

Interview Details

On August 26, 2015, [REDACTED] was interviewed at the CCRB.

On August 22, 2015, there was a block party in [REDACTED] for the people in the neighborhood. The police did not respond to this block party and there was no crime committed there. [REDACTED] was hanging out with his friends and family, and when the park closed, everyone in the party went home. [REDACTED] went back to his apartment, and did not see any police response.

Around 11:00 p.m. on August 22, 2015, [REDACTED] was with his extended family inside [REDACTED] [REDACTED] was with his friend [REDACTED], his brother [REDACTED] and his girlfriend [REDACTED] and some other people who he could not remember. There was a knock on the door, and [REDACTED] mother [REDACTED] went to the door. [REDACTED] opened it up, and immediately was confronted with PO1 and several other officers in the hallway. PO1 pulled her by the hair and dragged her through the door, and [REDACTED] and [REDACTED] went to “defend” her. There were 15-20 uniformed officers in the hallway.

Despite saying that he had gone to “defend” his mother, [REDACTED] did not fight the officers or attempt to attack them in any way, nor did his brother. The officers did not explain what they were doing or why they were there. The uniformed officers grabbed [REDACTED] and threw him towards the floor, and other uniformed officers and PO1 grabbed [REDACTED] and also threw him forward. They pushed him against the floor face-first, and an officer that [REDACTED] could not describe put his foot on the right side of [REDACTED] face. [REDACTED] lay there and did not resist, and allowed himself to be handcuffed. The unidentified officer stomped [REDACTED] five times on his right cheek and right side of his face, and held his boot there for a long time on the fifth blow.

[REDACTED] denied that any officer used profanity during this incident.

[REDACTED] was lifted to his feet by the officers and walked down the stairs along with [REDACTED] [REDACTED] and [REDACTED] believed that everyone else in the apartment witnessed what had happened. [REDACTED] was taken to the 42nd Precinct stationhouse; he did not see PO1 or any of the officers involved at the stationhouse. [REDACTED] could not describe the officers that well because the incident happened so fast. [REDACTED] was released with a summons for disorderly conduct, which he gave to his mother after they were released.

[REDACTED] suffered a contusion to his wrist from the handcuffs, and no other injury. [REDACTED] went to the hospital with his mother on August 26, 2015, where he was diagnosed with the wrist contusion. [REDACTED] had attempted to go to the hospital on August 24, but the line was too long.

PO1 – Plainclothes male Hispanic, 30s, t shirt and hat, no further description

Interview Details

On September 23, 2015, PO Aybar was interviewed at the CCRB.

PO Aybar did not bring her memo book because she “did not know she had to” and will thus fax the memo book at her earliest opportunity.

PO Aybar’s union representative, Brian Welsome, became disruptive at numerous points during the interview, interrupting the conversation and video footage to express that the CCRB was biased, that discourtesy did not matter and inquiring about it was “laughable,” that the interview consisted of “meandering nonsense,” and that the CCRB is blaming the officers for actions taken during a drunken riot. Mr. Welsome became disruptive at 16:03, 19:59, 24:50, and 28:26. PO Aybar did not have a memo book and as such, her memory of the chronology of the incident was imperfect. PO Aybar was recounting the incident from her memory. After Mr. Welsome expressed his opinions, PO Aybar appeared to grow more recalcitrant about offering details, and more frequently stated that she could not recall facts and details about this incident.

On August 22-23, 2015, PO Aybar was assigned to foot post 5 at [REDACTED] in the Bronx, partnered with PO Hoxha. Around midnight, PO Aybar received a transmission to respond to [REDACTED] where a party had been going on all day. It was midnight, which meant it was time to disperse. PO Aybar and PO Hoxha walked to [REDACTED] where they observed a large crowd of 200 loud and highly intoxicated people. PO Aybar could smell the strong smell of marijuana, and saw numerous open containers of alcohol. PO Aybar began to instruct the crowd to walk away. Most people were compliant, and the group dispersed and began to walk home. There were also a large group of officers there from numerous commands, both plainclothes and uniformed. PO Aybar recalled PSA 7 and Borough Crime officers being present.

As the park began to peacefully clear out, PO Aybar heard a 10-85 come over the air about a block away, at [REDACTED] which is a building adjoining the park. Because she did not have her memo book, she did not know when the 10-85 came over or the exact chronology of the following events. PO Aybar and PO Hoxha ran over to [REDACTED]

At that location, PO Aybar observed a scene of chaos with numerous civilians fighting each other inside and outside the building, in the courtyard and in the lobby. There were numerous fights happening in the hallway and lobby. Out of 200 people total, PO Aybar estimated about 30 total were fighting, both males and females; they were extremely intoxicated. Civilians were throwing airmail down at officers in the courtyard from the windows.

An officer that PO Aybar did not recall informed her that an officer, PO Del Rosario, had been assaulted. PO Aybar did not recall any other officers on scene except for her supervisor, Sgt. Benintendo. Sgt. Benintendo spoke to PO Aybar outside the building in the midst of the chaos and ordered her, “If they refuse to disperse, bring them in.” PO Aybar entered [REDACTED] to undertake this order. When PO Aybar entered the lobby, she told everyone to go home and did not take further police action. PO Aybar initially said that PO Hoxha was with her the entire time (7:05 in the recording), and later said that PO Hoxha and her got separated as soon as they entered (14:07).

PO Aybar stated that she issued two civilians disorderly conduct summonses for refusing to go home; PO Aybar had observed these two civilians in the loud, crowded lobby. PO Aybar told the civilians they had to go home, and they replied “No we aren’t” and stood in the same place and refused to leave (7:09 in the recording). Neither civilian ever said that they lived in the building. PO Aybar contradicted herself some time later, when she said they were not blocking the door at the same time.

PO Aybar recognized a photograph of [REDACTED] and identified her as the civilian that PO Hoxha gave a summons to. PO Aybar did not recognize a photograph of [REDACTED] PO Aybar issued a summons to [REDACTED] while PO Hoxha issued a summons to [REDACTED] copies of the summonses were shown to PO Aybar. The photographs of the civilians were shown to PO Aybar, and she identified [REDACTED] and [REDACTED] as the civilians she had issued summonses to. PO Aybar was asked questions about the details and chronology of the summons’ issuance, but because she had no memo book she could not answer in detail about what had happened. PO Aybar could not recall anything that [REDACTED] was doing on scene.

PO Aybar’s first observation of [REDACTED] was that officers were trying to go upstairs to chase the man who had assaulted PO Del Rosario, and [REDACTED] blocking the door so they could not pass. [REDACTED] was not fighting or pushing, but standing there impeding the way. PO Aybar did not observe any injuries on [REDACTED] at this time. PO Aybar instructed [REDACTED] to leave the

Interview Details

threshold of the door, and [REDACTED] did not respond or move. PO Aybar did not recall if [REDACTED] was intoxicated. PO Aybar asked for his identification on scene, and he provided it to her.

PO Aybar observed [REDACTED] commit the same offense, but she could not describe chronologically when she did this or when she observed it. PO Aybar stated that [REDACTED] and [REDACTED] blocked the door at different times, not at the same time. PO Aybar told [REDACTED] twice to leave the door, and ordered her to disperse from the scene. PO Aybar did not know if other officers had asked [REDACTED] to disperse. [REDACTED] did not move, and did not verbally respond to PO Aybar's order. At 11:51 in the recording PO Aybar said she handcuffed [REDACTED] but did not handcuff [REDACTED]. PO Aybar handcuffed [REDACTED] in the lobby without resistance and walked her outside. PO Aybar did not recall if she saw any injuries on [REDACTED]. PO Aybar did not know what PO Hoxha was doing at this time. There were several NYPD vans outside waiting to take prisoners to the stationhouse.

PO Aybar was asked if she ever walked upstairs. PO Aybar then stated that she went through the door to the stairs to chase after the perpetrator. PO Aybar could not describe at what point of the incident this occurred, but stated it happened between the moments that [REDACTED] and [REDACTED] committed the offense and when they were handcuffed. When PO Aybar went up the stairs, that was when [REDACTED] and [REDACTED] were blocking the door. PO Aybar went with numerous unidentified officers to the second floor to see where the perpetrator was. PO Aybar stated that a "fight" happened in the second-floor landing. PO Aybar did not know who was involved in the fight. PO Aybar did not take part in the fight. PO Aybar could observe the fight happening on the landing from the stairs, but did not know how it began. When asked about further context of this particular fight, PO Aybar replied, "There were fights all over the place. I don't know."

At this point, 16:03, attorney Mr. Welsome interjected and the following conversation took place:

WELSOME: I just want to say – at some point here – you basically have is a full-scale drunken riot at three o'clock in the morning in the Bronx. You're asking questions as if somehow the police are responsible, and I'm missing—
What's the allegation exactly? What would you like them to do?

CONWAY: We're setting up the chronological—

WELSOME: Well then please get to the point. Because basically all I've heard so far is that a bunch of drunk people three o'clock in the morning decided to have a fight, and I'm still missing what NYPD's culpability is per your force, abuse of authority, discourtesy, I don't see any of it, offensive language. It's just meandering nonsense about a fight between a bunch of drunk people in the Bronx at three o'clock in the morning.

CONWAY: We're not insinuating culpability. We need the full context.

WELSOME: Well we're here today. The full context—Let's get to the point, please. Fascinating details, but utterly pointless as being the purview of your organization.

PO Aybar entered the hallway from the landing, and saw numerous officers and civilians arguing. PO Aybar did not recall if any apartment doors were open. PO Aybar did not enter any apartment, and did not observe any other officers entering any apartment. PO Aybar did not recall any officers entering any apartment and said, "We want this motherfucker," and "Come here bitch" and did not recall any officers using any profanity towards civilians. No supervisor ever told PO Aybar to go to apartment # [REDACTED] nor did any supervisor or any officer mention any specific apartment where the perpetrators were. There were plainclothes officers in the hallway, but PO Aybar did not know what command they belonged to; they were not the 42nd Precinct Anti-Crime.

At this point, PO Aybar did not know if [REDACTED] and [REDACTED] were still downstairs, though that is where she last saw them. PO Aybar ventured that [REDACTED] and [REDACTED] might have been going "back-and-forth" up and down the stairs. There was more than one stairwell from the lobby to the second floor. At 16:03, in response to questions about more profanity, attorney Mr. Welsome again interjected:

WELSOME: Again, I want to understand, the police are called to a complete riot at three o'clock in the morning in the Bronx, and your big concern is that they may have used the F-word. It's frankly laughable. Go on.

PO Aybar denied that she observed any officer pull [REDACTED] by the hair or take her to the ground. PO Aybar did not observe the moment in which [REDACTED] was handcuffed. PO Aybar denied she saw any civilian taken to the ground. No officer or

Interview Details

civilian ever informed PO Aybar that this had happened. PO Aybar denied that she observed any officers punch, kick, strike, or use any force against [REDACTED] or [REDACTED].

PO Aybar did not recall seeing any officer discharge pepper spray. PO Aybar did not smell pepper spray in the air and did not recall seeing any civilian with red eyes or any other indicators of pepper spray. No officer informed PO Aybar that pepper spray had been discharged.

PO Aybar said she then transported the civilians – [REDACTED], [REDACTED], and [REDACTED] – to the 42nd Precinct stationhouse. PO Aybar transported [REDACTED] but did not recall any injuries on him. PO Aybar did not observe any injuries on [REDACTED] nor did [REDACTED] complain of injuries. [REDACTED] was cursing at the officers in the transport but other than that had no complaint. PO Aybar made only one trip from [REDACTED] to the stationhouse. PO Aybar never went back to the scene after this. After logging them into the holding cell, PO Aybar gave the civilians their summonses inside the precinct, marked at 3:30 a.m., and released them from the holding cell. [REDACTED] said “Thank you” to PO Aybar when she was released.

PO Aybar stated that the perpetrator of the assault on PO Del Rosario eventually was arrested, but she did not know who this was.

The two videos from the incident provided by [REDACTED] were shown to PO Aybar. Mr. Welcome frequently interrupted the video and the interview, at 24:50 stating:

WELLSOME: This individual is highly intoxicated and in handcuffs, requiring three or four cops to carry him ranting and screaming, because he likes to...[indecipherable]...and therefore he has no problem...[indecipherable]

PO Aybar recognized the male in handcuffs with a bloody face as [REDACTED]. PO Aybar did not recognize which plainclothes officer had [REDACTED] in handcuffs. PO Aybar did not hear the discharge of the taser originally, but then stated she heard it “a little.” PO Aybar did not see any taser discharged on scene. No officer told her that a taser was discharged. PO Aybar did not see the injuries when she transported him, and reiterated that she did not recall. PO Aybar did not know who handcuffed [REDACTED]. PO Aybar then said, “So many people around, I cuffed several people” and stated she did not recall who they were. PO Aybar did not give a summons to every person she handcuffed.

[REDACTED] never complained to PO Aybar that she had been pepper sprayed, nor did PO Aybar observe any physical signs of pepper spray on her. No civilian ever asked PO Aybar for her name and shield number. PO Aybar had never heard of any of these allegations before, and none of the civilians made any of these above allegations to PO Aybar. At 28:26 Mr. Wellsome stated:

WELLSOME: As depicted in this video, this gentleman in handcuffs, screaming and cursing. I guess the cops are supposed to stop and give them the white-glove treatment, apparently, according to this agency.

PO Aybar then confirmed that two other officers were helping transport people to the stationhouse. Arrests were still going on when PO Aybar left the scene, but she did not know who was getting arrested, and by which officers and of what commands.

Interview Details

On October 21, 2015, PO Merita Hoxha was interviewed at the CCRB.

On August 23, 2015, PO Hoxha and PO Aybar were assigned to Foot Post #6 at [REDACTED] in the Bronx. At midnight,

There was a large crowd of over 100 people in [REDACTED] having a block party. The crowd was intoxicated, talking loudly and cursing, and refusing to leave now that the park was closed. PO Hoxha did not recall how many other officers were on scene, but there were numerous Impact foot posts that responded. PO Hoxha ordered the crowd numerous times to disperse from the street, and they replied, "We are not going. The party is still going on." PO Hoxha slowly cleared the park with PO Aybar, directing the civilians to leave; the large crowd was blocking the vehicle traffic on [REDACTED]. In this group PO Hoxha saw two individuals she would later identify as [REDACTED] and [REDACTED] who she later would interact with and process summonses for. They were with a large group of other civilians and family they were with, but the crowd was chaotic and PO Hoxha could not describe who they were in detail. Both [REDACTED] and [REDACTED] were refusing to leave, and standing in the street not moving upon officers' orders. They were uncooperative, but not aggressive or cursing at the officers.

The crowd eventually began to withdraw to the buildings on the east side of the park, and so at 1:30 a.m. PO Hoxha began walking back to her post. Before she could even get there, at 1:40 a.m. a 10-85 was called for officers to respond to [REDACTED] which was very close by [REDACTED]. Nothing else came over in the 85 apart from a call for assistance. PO Hoxha and PO Aybar walked back across the park up towards [REDACTED]. Upon arriving at [REDACTED] PO Hoxha observed over 50 civilians in front of an inside the building behaving disorderly. The civilians were "yelling and screaming" at the officers, but there was no physical confrontation, and PO Hoxha could not recall what they were saying. There were few officers arrived at the time but more kept coming; no airmail was coming down from the buildings.

PO Hoxha observed Sgt. Benintendo standing outside the lobby, and she spoke to him. Sgt. Benintendo informed them that PO Delrosario had been assaulted by a civilian, and that the perpetrator was on one of the upper floors. PO Hoxha entered the lobby of [REDACTED] to investigate and respond; PO Hoxha was with PO Aybar all throughout the incident and were not separated. Upon entering the lobby, PO Hoxha observed a lot of civilians shouting and blocking officers from making it through by crowding the staircase and hallway. PO Hoxha pushed through the press and entered the staircase, walking up through the crowd of civilians and officers.

Numerous civilians were in the staircase hindering the officers from ascending. On an unknown floor, PO Hoxha handcuffed a female who refused numerous orders to move, and she walked her down to the van. PO Hoxha did not recall her name, but it was not one of the civilian complainants from this CCRB case. After placing this female in the prisoner van, PO Hoxha never re-entered [REDACTED]. At no point did PO Hoxha leave the stairwell to go into the hallway where other officers were.

PO Hoxha was shown photographs of the civilians in this case. PO Hoxha recognized a photograph of [REDACTED] she stated [REDACTED] "might have been one of" the individuals blocking the staircase but could not recall. Another officer handcuffed [REDACTED] PO Hoxha did not know who this was. PO Hoxha did not recall seeing any injuries on [REDACTED] nor any of the injuries portrayed in his photographs. [REDACTED] was "pleasant" and made no complaint when PO Hoxha processed him back in the stationhouse. PO Hoxha did not actually see the moment that [REDACTED] was handcuffed, nor did she recall the officer who put [REDACTED] in the van.

PO Hoxha did not recognize a photograph of [REDACTED]

PO Hoxha recognized [REDACTED] as one of the civilian that she transported in the van and processed a summons for. PO Hoxha denied that [REDACTED] was the female she handcuffed. PO Hoxha did not see which officer handcuffed [REDACTED] and denied that she put her in the van, and did not know who did so. PO Hoxha did not speak to [REDACTED] on scene. PO Hoxha did not recall if an officer informed her of what offense that [REDACTED] had committed, but stated that she had observed [REDACTED] in the street before the 10-85 was called, and refusing PO Hoxha's multiple orders to leave. Next time saw her, she was in the van.

PO Hoxha recognized a photograph of [REDACTED] as being another individual who was in the van. PO Hoxha did not see the moment that [REDACTED] was handcuffed and did not see which officer gave [REDACTED] him to process.

Interview Details

PO Hoxha never saw [REDACTED], nor did she see him being handcuffed or interact with him in any way.

PO Hoxha never saw any officer going into apartment # [REDACTED] nor did anyone ever inform her of any police action inside # [REDACTED] PO Hoxha never saw any officer pull [REDACTED] by her hair nor did [REDACTED] inform her of such. PO Hoxha never heard any officer say, "Come here bitch," "Fuck," or any transmutation of the word "fuck," or any type of profanity whatsoever toward any civilian. PO Hoxha saw no officer punch [REDACTED] saw no officer punch or kick [REDACTED] and saw no force against other those civilians, nor did any civilian verbally provide complaint injury, or officer misconduct. PO Hoxha saw no force used by any officer. PO Hoxha never smelled pepper spray or felt it in the air, nor saw people with its symptomology, nor was informed by anyone that pepper spray was deployed.

The six under in the van were cooperative during and after PO Hoxha drove them back to the 42nd Precinct stationhouse.

PO Hoxha was shown the videos taken by civilians on scene depicting the scene outside of [REDACTED] and [REDACTED] in handcuffs. This did not cause her to recollect more, as she stated she was not present outside for this portion of the events. PO Hoxha recalled no force, or complaint, and did not recall [REDACTED] saying "they hit me, they fucking hit me," as he says in the video. PO Hoxha heard no Taser discharge nor was she informed of any Taser discharge. PO Hoxha did speak to [REDACTED] in stationhouse, but saw no injuries such as the bloody lip and nose, and he was cordial. PO Hoxha did not recognize the officer in the white baseball cap with custody of [REDACTED]

PO Hoxha did not recall any officers on scene apart from PO Aybar, Sgt. Benintendo, and PO Delrosario. PO Hoxha said that there were numerous plainclothes commands on scene. PO Hoxha did not recall any civilian asking any officer for their names or shields, or any officer refusing to provide these.

Interview Details

On October 22, 2015, Sgt. Jonathan Benintendo was interviewed at the CCRB.

At 11:50 p.m. on August 22, 2015, Sgt. Benintendo responded to a disorderly group inside [REDACTED]. There was a block party going on with a DJ stage set up in the street, and nearly 500 people partying and drinking alcohol in and around the park. The large crowd was spilling out of the park into the street, blocking traffic and cars going by, and individuals were fighting due to how drunk they were. The crowd was heavily intoxicated, with cups, bottles, beers lying around, loud talking, numerous people slurring their words, and at least one guy lying down for the effects of alcohol. Numerous Impact officers responded, and the crowd was mostly cooperative in dispersing. Sgt. Benintendo supervised the dispersal of the crowd from the park.

At 12:45 a.m. some men started fighting near [REDACTED]. They comprised a disorderly group about 40-50 strong, and Sgt. Benintendo responded on foot. The crowd far outnumbered the officers. Sgt. Benintendo recalled seeing PO Hoxha and PO Aybar on the outskirts of the group of officers converging on the fighting crowd, but did not speak to them at this time. As the officers approached and began to break up the fight, many people started to run inside the building.

Sgt. Benintendo also entered the building; some of his officers had gone up the stairs to other floors. While still in the lobby, probably five minutes after the call for the disorderly group, an Impact officer ran down and told him, "Sarge, they punched Delrosario." Sgt. Benintendo called a 10-85 and rushed up the stairs to the landing between the fourth and fifth floors where he encountered PO Delrosario. PO Delrosario said the man who punched him ran into # [REDACTED]. Sgt. Benintendo asked if he needed medical care, and PO Delrosario said he did not. Sgt. Benintendo dispatched ESU to come to the building, and then Sgt. Benintendo advised Cpt. Brown to come to the scene.

For the next hour Sgt. Benintendo spoke to the perpetrators through the door of # [REDACTED] as he awaited ESU to arrive. Sgt. Benintendo and Cpt. Brown directed officers to go to the roof to ensure that no one tried to escape out the window. ESU appeared and began a dialogue to try and get them to open their door, but to no avail.

At 2:07 a.m. Cpt. Brown informed Sgt. Benintendo that there were six under downstairs for disorderly conduct, and to go down to verify. Sgt. Benintendo walked downstairs to speak with PO Hoxha and PO Aybar, who had six prisoners in their van. When Sgt. Benintendo got downstairs, the crowd had cooled down. There were numerous officers on scene from various commands, including bordering precincts and borough officers, and many plainclothes officers. Sgt. Benintendo verified the arrests, and walked back up the stairs. Sgt. Benintendo did not speak to any of the prisoners. Sgt. Benintendo did not go to # [REDACTED] or the third floor, nor was he aware of any goings-on with the third floor. Apart from this, Sgt. Benintendo did not leave the fifth floor. At 2:28 a.m. the door was breached by ESU, and Sgt. Benintendo was present to verify arrests.

Sgt. Benintendo filled out the UF-49 for this incident. He confirmed that the officers he indicated as being present were a small fraction of officers present at the scene.

Sgt. Benintendo was shown the videos of the scene taken by civilians. Sgt. Benintendo was not present for this portion of the scene, and did not observe nor was he informed that any officer had discharged a taser or pepper spray at any point on scene. Sgt. Benintendo did not recognize the officer in the white baseball cap with custody of [REDACTED].

Interview Details

On December 3, 2015, Cpt. Andre Brown was interviewed at the CCRB.

On August 23, 2015, Cpt. Brown was Patrol Borough Bronx duty captain, which consists of going around and responding to incidents within precincts with no dedicated CO. Sometime after midnight on August 23, 2015, Cpt. Brown received a phone call from the Bronx Wheel advising him that there was a barricaded perpetrator at [REDACTED] # [REDACTED] and a 10-85 had been called. Cpt. Brown drove his unmarked solo car to [REDACTED] to see the scene. When Cpt. Brown arrived on scene, there was a large crowd of civilians, and numerous officers from all over the borough, both uniformed and plainclothes. Sgt. Benintendo had called several 10-85s, so officers had continued to come to the location from various precincts and commands. The crowd was calm, and there was no active confrontation between officers and civilians when Cpt. Brown arrived.

Cpt. Brown entered the building and walked up the stairwell. The stairwell was calm, and there was no police activity occurring. Cpt. Brown passed the third floor, and there was no activity on the third floor. When Cpt. Brown reached the fifth floor, he observed ESU already on scene and numerous officers outside of # [REDACTED] including Sgt. Benintendo. Sgt. Benintendo informed Cpt. Brown that an officer had been assaulted while trying to break up an illegal gathering, and the perpetrator ran into the building and barricaded himself.

Cpt. Brown did not give any orders, but observed the scene. ESU was in a dialogue with the occupants of the apartment. Eventually the occupants opened the door voluntarily, but were too afraid to come out. The occupants advised ESU that they could come in, so ESU made an entry and removed all the people from the apartment. One arrest was made – the person who had assaulted the officer – and the rest were released. Cpt. Brown followed the defendant downstairs to the van and then later to the 42nd Precinct stationhouse, before resuming his duties.

Cpt. Brown did not visit the third floor, nor was he aware of any activity on the third floor. Cpt. Brown did not authorize any entries into any location on the third floor, specifically # [REDACTED]. Cpt. Brown was shown the SPRINT report in which an unknown sector advises # [REDACTED] but did not know what this pertained to, and did not hear it come over the radio. Cpt. Brown said the first time he heard of anything happening on # [REDACTED] was this interview. Cpt. Brown said his sole concern was #5C.

Cpt. Brown was shown the cell phone video footage of the incident. Cpt. Brown did not recognize the officer and did not recognize any part of this scene.

Interview Details

On January 7, 2016, Sgt. Ricardo Wyman was interviewed at the CCRB.

At 12:50 a.m. on August 23, 2015, Sgt. Wyman responded to a 10-85 at [REDACTED] in the Bronx. PO Delrosario had been assaulted in that location, and the perpetrator had barricaded himself into a unit on the fifth floor. Sgt. Wyman had an operator, but he did not recall who this was and had not documented this in his memo book.

When Sgt. Wyman arrived at [REDACTED] he observed a large crowd of 100 civilians in the street and in the courtyard in front of that address. There were already numerous plainclothes and uniformed officers on scene attempting to disperse the crowd, from various precincts including possibly the 46th and 48th Precincts. Sgt. Wyman observed his Impact officers already giving orders to disperse the crowd; most of the crowd was compliant, but there were a few people refusing to leave. Sgt. Wyman did not give any orders, but proceeded up the stairs to the fifth floor. Sgt. Wyman did not observe any officers discharge pepper spray or smell pepper spray on the air, nor did anyone ever inform him that they had discharged pepper spray.

Sgt. Wyman took the stairs and not the elevator to the fifth floor. When Sgt. Wyman passed the third floor, he did not see or hear any police activity on that floor. Sgt. Wyman arrived on the fifth floor where he met with Sgt. Benintendo and several other officers outside the apartment. Sgt. Benintendo was trying to verbally induce the perpetrator to open the door. Sgt. Wyman did not remain on the fifth floor but instead walked back down and began assisting in crowd control, and standing by the vans to make sure the crowd did not damage them. Sgt. Wyman did not observe any apprehensions. Sgt. Wyman stood by the vans as various prisoners were brought out and lodged and driven to the stationhouse.

Sgt. Wyman did not recognize the names of [REDACTED] [REDACTED] [REDACTED] and [REDACTED]. Sgt. Wyman was shown photographs of all these individuals, but he did not recognize them. Sgt. Wyman was explained the details of their complaint – that they were arrested for discon on the third floor and released with summonses by PO Hoxha and PO Aybar, but Sgt. Wyman did not recognize any of this. Sgt. Wyman recalled seeing PO Hoxha and PO Aybar by the vans outside, but did not recall any conversation he had with them. Sgt. Wyman did not recall which one was driving the vans, or if they had entered [REDACTED] [REDACTED]

Sgt. Wyman was shown the two videos of [REDACTED] being taken over to the vans. Sgt. Wyman identified himself as the black male officer in the second video walking down the stairs, but he could not identify any officers on scene. Sgt. Wyman did not independently recall the scene of [REDACTED] in handcuffs as depicted in the video. Sgt. Wyman did not know who the plainclothes officer in the white cap was who had [REDACTED] in custody. Sgt. Wyman did not observe [REDACTED] apprehension or the apprehension of any of the other complainants. Sgt. Wyman reiterated that numerous commands from all around the Bronx responded to this 10-85 and he did not know who or from where they came.